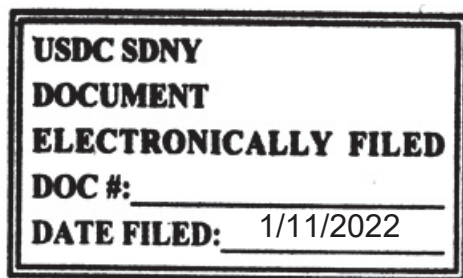




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January 10, 2022



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VIA CM/ECF

Honorable Robert W. Lehrburger
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Courtroom 18D
New York, New York 10007

**Re: *In re Hapag-Lloyd Aktiengesellschaft a/k/a Hapag-Lloyd AG*, Case No. 19-cv-5731-GHW-RWL (the “Action”)
Letter Motion, on Consent, Seeking a Further Extension of Time (1) for the NVOCC Third-Party Defendants to Move to Dismiss Certain Third-Party Complaints, and (2) for Third-Party Defendants to Answer or Otherwise Respond to those Complaints**

Dear Judge Lehrburger:

We represent DSV Air & Sea Inc., Pantainer (H.K.) Ltd. and Logfret, Inc. (the “Venable Third-Party Defendants”), all of whom are third-party defendants in the above referenced litigation and non-vessel-operating common carriers (“NVOCCs”). We write on behalf of our clients and other NVOCC third-party defendants (the “NVOCC Third-Party Defendants”) named in the following third party complaints: (1) the Third-Party Complaint of Third-Party Plaintiff Hartford Fire Insurance Company, filed February 24, 2020 (CM/ECF Nos. 221 and 223); (2) the Amended Third-Party Complaint of Third-Party Plaintiffs Federal Insurance Company, et al., filed March 4, 2020 (CM/ECF No. 233); (3) the Third-Party Complaint of Third-Party Plaintiffs Acco Brands USA LLC, et al., filed March 5, 2020 (CM/ECF No. 237); (4) the Third-Party Complaint of Third-Party Plaintiff Zurich American Insurance Company, filed March 5, 2020 (CM/ECF No. 239); and (5) the Third-Party Complaint of Third-Party Plaintiff Liberty Mutual Insurance Company filed March 6, 2020 (CM/ECF No. 245).

We write pursuant to Rules I(A), I(F) and III(B) of Your Honor’s Individual Practices in Civil Cases (dated as of March 2, 2021) and with the consent of Third-Party Plaintiffs to respectfully request a further extension (1) for the NVOCC Third-Party Defendants to file a motion to dismiss the Eighth Cause of Action asserted in the above identified Third-Party Complaints; and/or to answer or otherwise respond to those Third-Party Complaints. The current deadline is January 13, 2022. Counsel for the Third-Party Plaintiffs have consented to this request.



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The reason for the extension request is that our clients and the numerous other NVOCCs that were not involved in the shipment of the cargo suspected of being the cause of the fire aboard the M/V YANTIAN EXPRESS have now nearly completed settlement negotiations with the above Third-Party Plaintiffs, subject only to the case management issue mentioned below. To date, the NVOCC Third-Party Defendants have sent approximately eighty-six (86) assignments to the Third-Party Plaintiffs covering hundreds of containers.

The Court may recall that the NVOCC Third-Party Defendants and the cargo interest Third-Party Plaintiffs have agreed in principle on the proposed terms of a settlement subject to client consent. The Third-Party Plaintiffs will release and dismiss the NVOCCs from this Action in exchange for (i) an assignment of the claims the NVOCCs have against the respective vessel-operating common carriers ("VOCCs") who issued certain master bills of lading to the NVOCCs, and (ii) a ratification by the NVOCCs of the claims brought by the Third-Party Plaintiffs against the VOCCs in this case. Coordinating this settlement involving hundreds of Third-Party Plaintiffs and Third-Party Defendants has taken an extraordinary degree of effort, but its full and final execution will simplify this litigation significantly.

As first reported to the Court on December 22, 2020 (CM/ECF No. 620) and again on March 30, 2021 (CM/ECF No. 686), one final issue prevented the parties from reaching an agreement that provides for a full and final dismissal of nearly all of the NVOCCs in this case (except those involved in carrying the allegedly dangerous cargo). The Third-Party Plaintiffs were unwilling to settle any of the claims involving master bills of lading issued by the VOCC Ocean Network Express Pte. Ltd. ("ONE") unless and until ONE's motion to dismiss the claims against it on the basis of a Singapore forum selection clause (CM/ECF No. 570) was denied. ONE's motion to dismiss was denied on November 29, 2021 (CM/ECF No. 735) when the District Court adopted the June 30, 2021 Report and Recommendations of Your Honor (CM/ECF No. 707).

In order to allow the parties to complete the settlements anticipated in light of that ruling, the parties respectfully request that the Court extend for an additional 90 (ninety) days, until April 13, 2022, the NVOCC Third-Party Defendants' time to file motions to dismiss the Eighth Cause of Action in the above-mentioned Third Party Complaints and / or to answer or otherwise respond to those Third-Party Complaints. The parties also request that the NVOCC Third-Party Defendants be relieved of all of their obligations under the Civil Case Management Plan and Scheduling Order (CM/ECF No. 728) while the parties complete this anticipated settlement.

Pursuant to Rule I(F) of the Court's Individual Practices in Civil Cases, we note that a previous thirty day extension was requested on October 5, 2020 (CM/ECF No. 578) and granted on October 6, 2020 (CM/ECF No. 579), a previous sixty day extension was requested on November 3, 2020 (CM/ECF No. 596) and granted on November 4, 2020 (CM/ECF No. 597), a



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previous ninety day extension was requested on December 22, 2020 (CM/ECF No. 620) and granted on December 22, 2020 (CM/ECF No. 621), and a request to extend until 45 days after the ONE Motion to dismiss was decided was requested on March 30, 2021 (CM/ECF No. 686) and granted on March 30, 2021 (CM/ECF No. 687).

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Patrick J. Boyle

Patrick J. Boyle

cc: All counsel of record (via CM/ECF)

SO ORDERED:

1/11/2022

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE